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09/624,239	07/24/2000	Tommaso D'Ippolito	81395-165	5461

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EXAMINER

BONZO, BRYCE P

ART UNIT

PAPER NUMBER

2184

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/624,239

Applicant(s)

D'IPPOLITO ET AL.

Examiner

Bryce P Bonzo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13,18-26,29-32,34-38 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 14-17, 27, 28, 33, and 39-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 November 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**NON-FINAL OFFICIAL ACTION**

***Status of the Claims***

Claims 1, 2, 7-13, 18-26, 31, 32, 34-38 and 43-45 are rejected under 35 USC §102.

Claims 5, 6, 29 and 30 are rejected under 35 USC §112.

Claims 3, 4, 14-17, 27, 28, 33, and 39-42 while objected to contain allowable matter.

Claims 23 is objected based on a typographical error.

***Objections***

Claim 23 recites "embodied in a carrier wave" as this statement does not make technical sense and would be grounds for a rejection under 35 USC §101, it is believed Applicant intended to recite "embedded in a carrier wave". Appropriate amending or is required. Applicant is reminded that a carrier wave, is a simple sinusoidal wave that does not itself have data, but is modulated with other waves to create a data bearing waveform.

***Rejections under 35 USC §112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, 6, 29 and 30 recite the limitation "said performance degradation information" and "service violation information". There is insufficient antecedent basis for this limitation in the claim. The claims depend on limitations not previously set forth, and due to the interwoven nature and the fact not all claims with limitations fall within the same branches of the claim tree, the Examiner is unable to examine these claims. Applicant is required to either modify the dependency of the claims or correct the antecedent basis issues present in these claims.

***Rejections under 35 USC §102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7-13, 18-20, 22-26, 31, 32, 34-38, 44 and 45 rejected under 35 U.S.C. 102(e) as being anticipated by Cotes.

As per claim 1, Cotes discloses:

A method comprising producing signals for concurrently indicating a plurality of system problems(column 4, lines 39-48) and problem priority information associated with said systems problems, in response to data representative of system conditions (column 5, lines 25-31).

As per claim 2, Cotes discloses:

wherein producing signals for depicting problem priority information comprises quantifying a relative importance of said system problems (column 5, lines 33-46).

As per claim 7, Cotes discloses:

wherein producing signals comprises producing signals for use by a display device for producing a display image (column 9, lines 7-12).

As per claim 8, Cotes discloses:

comprising enabling user selection of at least one of performance degradation information, alarm information and service violation information, for concurrent display with an associated system problem (column 4, lines 29-39).

As per claim 9, Cotes discloses:

wherein producing signals for depicting problem priority information comprises producing signals for depicting at least one of performance degradation information and service violation information (column 4, lines 29-30).

As per claim 10, Cotes discloses:

wherein producing signals for depicting problem priority information comprises correlating at least one of performance degradation information and service violation

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information to identify said problem priority information associated with said system problems (column 8, lines 21-30).

As per claim 11, Cotes discloses:

wherein producing signals for depicting problem priority information comprises correlating at least one of performance degradation information and service violation information to identify said problem priority information associated with said system problems (column 5, lines 33-46).

As per claim 12, Cotes discloses:

receiving a plurality of alarm packets (column 4, lines 40-60).

As per claim 13, Cotes discloses:

receiving a plurality of performance degradation data units for providing said performance degradation information (column 4, lines 11-40).

As per claim 18, Cotes discloses:

producing signals comprises producing signal for displaying a system problem hierarchy (column 4, lines 49-60) including at least one system problem and at least one of performance degradation information, alarm information and service violation information associated with a selected one of said problem objects (column 4, lines 29-39; column 6, lines 64-65).

As per claim 19, Cotes discloses:

further comprising transmitting said signals to a display device for use in producing a visual display (column 6, lines 59-65).

As per claim 20, Cotes discloses:

further comprising producing a display image in response to said signals (column 6, lines 59-65; column 9, lines 7-13).

As per claim 22, Cotes discloses:

A computer readable medium for providing instructions for directing a processor circuit to produce signals for concurrently indicating a plurality of system problems (column 4, lines 39-48) and problem priority information associated with said systems problems, in response to data representative of system conditions (column 5, lines 25-31).

As per claim 23, Cotes discloses:

As signal embodied in a carrier wave, said signal comprising a code segment for directing a processor circuit to produce signals for concurrently indicating a plurality of system problems (column 4, lines 39-48) and problem priority information associated with said systems problems, in response to data representative of system conditions (column 5, lines 25-31).

As per claim 24, Cotes discloses:

a) means for receiving data representative of the system conditions (column4, lines 29-48); and

b) means for producing signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems, in response to said data (column 5, lines 26-46).

As per claim 25, Cotes discloses:

a) a receiver for receiving data representative of the system conditions (column4, lines 29-48); and

b) a signal generator for producing signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems, in response to said data (column 5, lines 26-46).

As claim 26 is the apparatus for the previously rejected method of claim 2, this claim is rejected on the same grounds.

As claim 31 is the apparatus for the previously rejected method of claim 7, this claim is rejected on the same grounds.



As per claim 32, Cotes discloses:

wherein said signal generator is operable to produce signals for concurrently displaying with an associated system problem at least one of performance degradation, alarm information and service information (column 4, lines 29-39).

As per claim 33, Cotes discloses:

signal generator is configured to produce signals for depicting at least one of performance degradation information, alarm information and service violation information (column 4, lines 29-39; column 9, lines 7-12; column 6, lines 64-65).

As claims 34-38 and 43 are the apparatus for the previously rejected method of claims 9-13 and 18, these claim is rejected on the same grounds.

As per claim 44, Cotes discloses:

comprising a transmitter for transmitting said signals to a display device (column 6, lines 48-66).

As per claim 45, Cotes discloses:

a) a receiver for receiving data representative of system conditions (column 4, lines 29-48);

b) a signal generator for producing signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems, response to said data (column 5, lines 26-46); and

c) a display device for producing a visual image in response to said signals (column 9, lines 7-13).

Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Douik.

As per claim 21, Douik discloses:

A method of annunciating problems in a system comprising displaying a plurality of system problems and problem priority information associated with said system problems in response to data representative of the system conditions (column 14, lines 24-28; Figure 1, item 22).

***Allowable Matter***

Claims 3, 4, 14-17, 27, 28 and 39 are object to while containing allowable matter.

The following is a statement of reasons for the indication of allowable subject matter.

Claims 3, 4, 27 and 28 specifically recite where the signals represent cost associated with at least one said problem.

Claims 14-17 and 39-42 specifically recite the use of service violation units providing service violation information.

Applicant is reminded that claims are indicated as containing allowable matter when the claim in its entirety is considered. Any modification to the claims may result in a change in scope and thus jeopardize this indication of allowable matter.

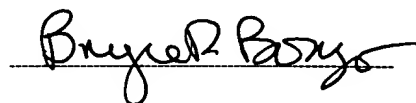
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703)305-4834. The examiner can normally be reached on Monday through Friday from 5:30AM to 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703) 305-9713. For facsimile transmission:

<i>After-final</i>	(703) 746-7238
<i>Official</i>	(703) 746-7239
<i>Non-Official/Draft</i>	(703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Bryce P. Bonzo